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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,584	05/21/2002	Arne Johansson	1807-0160P	4871
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BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER SHARMA, RASHMI K	
			ART UNIT 3651	PAPER NUMBER
DATE MAILED: 01/19/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/088,584

Applicant(s)

JOHANSSON, ARNE

Examiner

Rashmi K. Sharma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 10-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-15, 19, 21-28 and 32 is/are rejected.
- 7) ☒ Claim(s) 16-18, 20, 29-31 and 33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeMay et al. (U.S. Patent number 6,152,341) in view of Bratlie et al. (U.S. Patent number 5,344,271).

LeMay et al. disclose an extension device (20) for an automotive vehicle comprising a forward vehicle section supporting a prime mover (28) and a first articulation member (32, 34, 48), a rear, load-carrying vehicle section (24, 26) and a second articulation member (54), wherein the first and second articulation members are adapted to fit to each other via (50, 60, 152), said extension device (20) being adapted for insertion between the forward and rear vehicle sections in a longitudinal direction of the vehicle for extending the length of the vehicle, said extension device (20) further comprising a framework (22) with a front end section (1-4 and 7) adapted to be connected to the forward vehicle section and a rear end section adapted to be connected to the rear vehicle section, and wherein at least one of said end sections is provided with a third articulation member (34 or 50, 52) for connection with one of said

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first or second articulation members for forming an articulation joint so as to allow pivoting of said vehicle sections in relation to each other about the longitudinal direction of said vehicle, wherein the third articulation member (34 or 50, 52) comprises a cylindrical portion having an axis of symmetry running in an extension direction of the extension device (20), a pivot pin (48), a pivot sleeve (34) at the front section of the extension device (20) and the third articulation member (50, 52) at the rear end section of the extension device (20) having a pivot pin (52, see Figure 7), whereby the pivot pins (48 or 52) are hollow. LeMay et al. also disclose internal bearings (198, 200).

Lemay fails to explicitly show a forward and a rearward vehicle section having wheels.

Bratlie does disclose a forward (V) and rearward (12) vehicle sections having wheels (34) and having a hitch (36).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vehicle section of Lemay to have wheels (Lemay has wheels, they are just not shown in the drawings) as well as to have each forward and rearward sections as taught by Bratlie, connected via a hitch in order to provide for a using the hitch within a variety of different applications to different potential vehicle types.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-15, 19, 21, 22, 24-28 and 32 rejected under 35 U.S.C. 103(a) as being unpatentable over LeMay et al. (U.S. Patent number 6,152,341) in view of Bratlie et al. (U.S. Patent number 5,344,271) and further in view of Cartwright (U.S. Patent number 6,062,982).

LeMay et al. as disclosed above, fails to show an articulation member comprising a cylindrical portion having a circular cross-section, pivot pins having a circular cross-section and a pivot sleeve having circular cross section and a cardan shaft.

Cartwright does disclose cardan shafts (26 and 32) having circular cross sections.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify LeMay's tubular articulation members, tubular pivot pins and tubular pivot sleeves to have circular cross sections and the cardan shafts as disclose by Cartwright in order to provide for varyingly shaped structural members, as they are all considered to be functionally equivalent. It is very well known in the art that cardan shafts are typically shaped having circular cross sections, therefore utilizing cardan shafts within an extension device as disclosed in LeMay et al. and Cartwright, it would be obvious to one having ordinary skill in the art to provide cylindrical or circular structural elements capable of mating with the cardan shafts.

***Allowable Subject Matter***

Claims 16-18, 20, 29-31 and 33 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Dependent claims 16-18, 20, 29-31 and 33 recite the structural limitation of an extension device comprising framework having at least two parallel girder sections extending between the end sections, an upper supporting portion, a lower supporting portion, side portions whereby the side portions extending between the end sections, wherein the upper supporting portion includes an aperture allowing access to the inside of the extension device and wherein a brake caliper is fixedly connected to the extension device inside the device for cooperating with a brake disc arranged on the cardan shaft portion in order to brake the shaft, in combination with the rest of the recited structure, clearly defines over the prior art.

***Response to Arguments***

Applicant's arguments filed 11/14/05 have been fully considered but they are not persuasive.

Applicant argues that "...sleeve 34 and the rear section 54 of Lemay et al. are not designated for interconnection.". However this is not recited in the claim language. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies

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(i.e., the interconnection of first and second articulation members) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As rejected above, sleeve 34 does “fit” to rear section 54 via 50, 60 and 152.

Applicant states that “...the hitch sleeve 34 and the rear section 54 are not articulation members so as to provide any pivoting motion.”. The Examiner disagrees. According to Applicant’s disclosure and claim limitations, Applicant fails to argue or disclose reasons as to why he or she thinks that Lemays sleeve 34 and rear section 54 are not articulation members capable of providing a pivoting motion. Applicant also fails to provide details as to how the Lemay reference fails to meet Applicant’s claim limitations. As rejected above, Lemay discloses Applicant’s claim limitations in accordance with Applicant’s disclosure and drawings.

Applicant also argues that Lemay does not show a third articulation member. It should be noted that according to the rejection above, Lemay does indeed disclose a third articulation member as recited in the claims. It should be noted that merely reciting first, second and third articulation members, do not deem the claims allowable over the prior art. There is significant structure and functionality that is missing in the claim language in order for claims 10 and 23 to be deemed allowable over the rejections above.

Finally, Applicant argues now that circular cross-sections for Lemay’s articulation members would “...lead to pivoting the cargo unit with respect to the

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passenger car.”. This concept is exactly what Applicant’s invention discloses and claims. As rejected above, due to Applicant’s latest amendments, it is obvious to utilize the articulated hitch disclosed by Lemay outside of the realm of being inserted between a car and its rear section. More particularly as rejected above, the articulated hitch is now being rejected within the setting of the Bratlie reference. The pivoting motion of the rear section does not effect the Lemay reference. It is reflected and indeed suitable for being utilized in light of the Bratlie reference. Once again the Applicant fails to point out the details of the structural and functional elements of how Applicant’s invention defines over the prior art.

### ***Conclusion***

Applicant’s amendment now claiming the extension device in combination with the vehicle necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashmi K. Sharma whose telephone number is 571-272-6918. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER